



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3825

Introduced 10/5/2011, by Rep. Michael Unes

SYNOPSIS AS INTRODUCED:

815 ILCS 325/3 from Ch. 121 1/2, par. 323
815 ILCS 325/4.1 new
815 ILCS 325/4.2 new
815 ILCS 325/4.3 new
815 ILCS 325/4.6 new
815 ILCS 325/8 from Ch. 121 1/2, par. 328

Amends the Recyclable Metal Purchase Registration Law. Provides that all purchases of recyclable metal must be recorded as provided in the Act, instead of only purchases of recyclable metal with a minimum value of \$100. Provides that recyclable metal dealers must retain transaction records for 3 instead of 2 years. Requires dealers to ask about where the recyclable metal was obtained. Requires a recyclable metal dealer that suspects property in his or her possession to be lost or stolen to immediately notify local law enforcement. Restricts the purchase and sale of specific materials without documentation of ownership. Provides that recyclable metal dealers cannot pay cash, nor make payment at the time of the transaction, for specified metals. Provides that it is a violation of the Act for a recyclable metal dealer to purchase or attempt to purchase recyclable metal from persons convicted of specified felonies, when the dealer has been informed of such convictions by law enforcement. Provides that any person, in addition to a recyclable metal dealer, who knowingly fails to comply with the Act is guilty of a Class A misdemeanor for the first offense, and a Class 4 felony for the second or subsequent offense.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Recyclable Metal Purchase Registration Law
5 is amended by changing Sections 3 and 8 and by adding Sections
6 4.1, 4.2, 4.3, and 4.6 as follows:

7 (815 ILCS 325/3) (from Ch. 121 1/2, par. 323)

8 Sec. 3. Records of purchases. Except as provided in Section
9 5 of this Act every recyclable metal dealer in this State shall
10 enter on forms provided by the Department of State Police or
11 such department as may succeed to its functions, for each
12 purchase of recyclable metal ~~valued at \$100 or more and for~~
13 ~~each transaction involving the purchase of metal street signs~~
14 the following information:

- 15 1. The name and address of the recyclable metal dealer;
- 16 2. The date and place of each purchase;
- 17 3. The name and address of the person or persons from
18 whom the recyclable metal was ~~or metal street signs were~~
19 purchased, which shall be verified from a valid driver's
20 license or State Identification Card. The recyclable metal
21 dealer shall make and record a photocopy or electronic scan
22 of the driver's license or State Identification Card. If
23 the person delivering the recyclable metal ~~or metal street~~

1 ~~signs~~ does not have a valid driver's license or State
2 Identification Card, the recyclable metal dealer shall not
3 complete the transaction;

4 4. The motor vehicle license number and state of
5 issuance of the motor vehicle license number of the vehicle
6 or conveyance on which the recyclable metal was delivered
7 to the recyclable metal dealer;

8 5. A description of the recyclable metal ~~or metal~~
9 ~~street signs~~ purchased, including the weight and whether it
10 consists of bars, cable, ingots, rods, tubing, wire, wire
11 scraps, clamps, connectors, other appurtenances, or some
12 combination thereof; and

13 6. A declaration signed and dated by the person or
14 persons from whom the recyclable metal was ~~or metal street~~
15 ~~signs were~~ purchased which states the following:

16 "I, the undersigned, affirm under penalty of law
17 that the property that is subject to this transaction
18 is not to the best of my knowledge stolen property."

19 ~~For purposes of this Section, "metal street sign" means any~~
20 ~~sign displaying the name of the street on which it is located~~
21 ~~and all signs, signals, markings, and other devices placed or~~
22 ~~erected by authority of a public body or official having~~
23 ~~jurisdiction, for the purpose of regulating, warning, or~~
24 ~~guiding traffic.~~

25 A copy of the completed form shall be kept in a separate
26 book or register by the recyclable metal dealer and shall be

1 retained for a period of 3 ~~2~~ years. Such book or register shall
2 be made available for inspection by any law enforcement
3 official or the representatives of common carriers and persons,
4 firms, corporations or municipal corporations engaged in
5 either the generation, transmission or distribution of
6 electric energy or engaged in telephone, telegraph or other
7 communications, at any time.

8 In every transaction, a recyclable metals dealer shall
9 inquire as to where the recyclable metal was obtained for the
10 purpose of determining whether the seller is in lawful
11 possession of the recyclable metal. If the seller presents a
12 bill of sale, receipt, or other document indicating that he or
13 she is in lawful possession of the recyclable metal, then the
14 recyclable metal dealer shall copy such document and maintain
15 it along with the purchase record required by this Section.

16 (Source: P.A. 95-979, eff. 1-2-09; 96-507, eff. 8-14-09.)

17 (815 ILCS 325/4.1 new)

18 Sec. 4.1. Restricted purchases.

19 (a) It is a violation of this Act for any person to sell or
20 attempt to sell, or for any recyclable metal dealer to purchase
21 or attempt to purchase, any of the following:

22 (1) materials that are clearly marked as property
23 belonging to a business or someone else other than the
24 seller;

25 (2) property associated with use by governments,

1 utilities, or railroads, including but not limited to
2 guardrails, manhole covers, cables used only in
3 high-voltage transmission lines, historical markers,
4 street signs, traffic signs, and sewer grates; or

5 (3) cemetery plaques.

6 (b) This Section shall not apply when the seller produces
7 written documentation reasonably demonstrating that the seller
8 is the owner of the recyclable metal material or is authorized
9 to sell the material on behalf of the owner. The recyclable
10 metal dealer shall copy any such documentation and maintain it
11 along with the purchase record required by Section 3 of this
12 Act.

13 (815 ILCS 325/4.2 new)

14 Sec. 4.2. Purchases of HVAC recyclable metal.

15 A recyclable metal dealer shall not pay cash, nor shall the
16 dealer make payment at the time of the transaction, in payment
17 for any air conditioner evaporator coil or condenser. Payment
18 for air conditioner evaporator coil or condenser must be made
19 as follows:

20 (a) by check or money order, after a period of 3
21 business days from the date of the transaction;

22 (b) the payee on the check or money order shall be the
23 same person as the seller who conducted the transaction;

24 (c) if the seller is a business, then the recyclable
25 metal dealer shall make the check or money order payable to

1 the company, and not to any individual employee or agent of
2 the company.

3 (815 ILCS 325/4.3 new)

4 Sec. 4.3. Purchases of copper; catalytic converters.

5 A recyclable metal dealer shall not pay cash, nor shall the
6 dealer make payment at the time of the transaction, in payment
7 for any copper, including copper tubing or wiring, or catalytic
8 converters. Payment for these materials must be made as
9 follows:

10 (a) by check or money order, after a period of 3
11 business days from the date of the transaction;

12 (b) the payee on the check or money order shall be the
13 same person as the seller who conducted the transaction;

14 (c) if the seller is a business, then the recyclable
15 metal dealer shall make the check or money order payable to
16 the company, and not to any individual employee or agent of
17 the company.

18 (815 ILCS 325/4.6 new)

19 Sec. 4.6. Lost or stolen metals.

20 If a recyclable metal dealer suspects property in his or
21 her possession to be lost or stolen, then he or she shall
22 immediately notify the local law enforcement agency having
23 jurisdiction and provide the law enforcement agency with the
24 seller's information.

1 It is a violation of this Act for a recyclable metal dealer
2 to purchase or attempt to purchase recyclable metal from any
3 person who the dealer has been informed by law enforcement has
4 been convicted during the previous 10 years of a felony
5 violation of: the Illinois Controlled Substances Act, the
6 Cannabis Control Act, the Methamphetamine Control and
7 Community Protection Act, or Article 16, 18, or 19 of the
8 Criminal Code of 1961.

9 (815 ILCS 325/8) (from Ch. 121 1/2, par. 328)

10 Sec. 8. Penalty. Any recyclable metal dealer or other
11 person who knowingly fails to comply with this Act is guilty of
12 a Class A misdemeanor for the first offense, and a Class 4
13 felony for the second or subsequent offense. Each day that any
14 recyclable metal dealer so fails to comply shall constitute a
15 separate offense.

16 (Source: P.A. 95-979, eff. 1-2-09.)